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**OVERVIEW REGARDING TRAINING FOR
LAW ENFORCEMENT OFFICERS ON MENTAL HEALTH ISSUES**

A research memo prepared for the
HJR 35 Interim Study of Public Mental Health Services
by Susan Byorth Fox, Research Analyst
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I. Statutory Authority and Requirements

The Montana Law Enforcement Academy (MLEA) is established by law and is governed by the Department of Justice (Title 44, chapter 10, MCA). The Department of Justice (DOJ) has the power and duty to determine the curriculum and methods of training for officers and other individuals attending the academy. The DOJ is required to make a yearly report in writing of the activities of the academy to the Governor, Attorney General, and Secretary of State.

The Montana Board of Crime Control (MBCC), which is administratively attached to the DOJ, has discretionary authority to establish minimum qualifying standards for employment of peace officers, detention officers, probation and parole officers, and corrections officers. The MBCC also may require basic training for officers, establish minimum standards for advance inservice training for officers, and establish minimum standards for law enforcement and detention officer training schools

administered by the state or any of its political subdivisions or agencies to ensure public health, welfare, and safety. The MBCC is required to establish minimum standards for training corrections officers (44-4-301, MCA).

State law requires each peace officer, including deputy sheriffs, undersheriffs, police officers, highway patrol officers, fish and game wardens, park rangers, campus security officers, and airport police officers, to attend and successfully complete an appropriate peace officer basic course certified by the Montana Board of Crime Control. The training must be received within 1 year of the initial appointment or if previously employed in law enforcement, within 36 months, and a person must hold a previously issued basic certificate, or if the last date of employment was within 60 months or out of state, a basic equivalency test must be passed (7-32-303, MCA).

Continuing education is not required. Advanced training is available but not required. Intermediate, advanced, supervisory, command, and administrative certificates are available with varying education, experience, and additional training requirements, and the stated purpose is fostering professionalism, education, and experience necessary to perform adequately the duties of the law enforcement service (23.14.411, ARM). Probation and parole officers and juvenile probation officers have annual requirements for 16 hours of training (46-23-1003 and 41-5-1705, MCA, respectively).

II. Current training status

The MLEA Basic Training Course is a 12-week program for law enforcement officers, adult and juvenile detention officers, and corrections officers. The Basic Training 109 class that began on January 9, 2000, is the first training group to receive specific training on mental health. Thirty-five hours of instruction are in "the police function and human behavior", and 2 of those hours at the end of the second week involve instruction in mental health. The written documentation is still being developed, but is based on an adaptation from the lesson plan for Correctional Mental Health developed for corrections officers by Sandy Heaton, MS, LPC, at the Montana State Prison. The goal of the mental health "designated training block is to provide a new officer with a basic understanding of the mentally ill as they relate to law enforcement and enhance the officer's awareness of dealing with the needs of the mentally ill as victims, perpetrators, and citizens as a means of impacting critical policing problems and community issues."

The last week of basic training also includes scenario-based training that includes some specific mental illness issues. Although the law enforcement officers receive instruction on legal process, there is no specific legal instruction pertaining to rights of the mentally ill.

III. Issues

A. Issues of definition of mental illness, disorder, disease, or defect and other disorders. In the committee's deliberation, it has become clear that a person's mental status may involve more than one condition and the terms "mental illness" and "mental disorder" should be broadly defined for training purposes. Consideration must be given to other persons with brain-based disorders, such as developmental disabilities, fetal alcohol syndrome or fetal alcohol effect, and serious mental illness (i.e. 33-22-706, MCA, definition). Persons with other diagnoses of mental illness, chronic physical conditions such as diabetes, and chemical dependency must be acknowledged in some way as their presentation into the criminal justice system and their involvement in the corrections system present similar or coexistent issues that are not easily separated.

B. When and how should training be delivered? The basic training course has recently been extended to a 12-week course. Other than replacing existing instruction in the 480-hour curriculum with additional mental health training, there does not appear to be a realistic course in which to give additional instruction, although mental health issues could be integrated in other areas. There are also some facility limitations at the MLEA in Helena, and additional basic or advanced training at that facility may not be practical. In addition, training and per diem costs for individual officers at MLEA are funded by local governments that must also cover the positions while their officers are in training. The impact to local government increases if the MLEA is the only site of training.

The MLEA is interested in further developing regional training. There are two options in this area. The MLEA could sponsor training in various regions across the state, although they may need additional resources to do so. Additional part-time positions are being added in Missoula and Shelby and could become resources for regional training courses. The most efficient and cost-effective option appears to be for local law enforcement agencies to sponsor training sessions and contract with experts for instruction. If the course is certified by the Peace Officers Standards and Training (POST) Council administered by the MBCC, any law enforcement officer who participated would receive credit. Distance learning, use of the METNET, or other audiovisual materials may be other areas to consider.

C. Legal issues. There are legal issues involving rights of persons with mental illness and responsibilities of those who detain, have custody, or interact with those persons through the process. A person's criminal justice status, whether preconviction, postconviction, or under community supervision may affect their rights. There are legal statuses that involve a person's competency to stand trial, the use of mental disease or defect as a defense once competency is established, and sentencing. There are community commitment, involuntary commitment, and advance directives laws and processes available. If there is no recognition of potential mental illness, these legal processes may not be accessed. If there is no understanding of the legal rights and statuses, a person's constitutional rights may be violated and liability issues arise for those holding the person.

D. Detention Center and Correctional Standards. Currently there is no state licensure or accreditation of detention centers. The Correctional Standards and Oversight Committee last interim sponsored legislation for a detention center inspection program (Ch. 508, L. 1999) that would have funded inspections and training of inspectors to enforce detention center standards. The legislation was rendered void for lack of a corresponding appropriation (\$200,000 requested) in House Bill No. 2.

The legislation was based on voluntary standards that the Montana Sheriffs and Peace Officers Association has developed that are currently in use, but the legislation would have made the standards mandatory in 2003 after a period of time in which inspections were to be conducted and action plans developed to assist local governments to meet minimum standards. The standards that were developed were based on American Correctional Association mandatory standards for accreditation to protect the constitutional rights of persons incarcerated in detention centers and to protect the detention centers from liability. Mental health services, including screening, referral to mental health professionals, suicide prevention and intervention, emergency services, and pharmaceutical management, are included. The expectation of training in these areas is included as part of the standards.

There are also other sources for standards, including the American Correctional Association, which has separate standards for different types of adult and juvenile detention and correctional programs, as well as probation and parole. There is also a National Commission on Correctional Health Care that would provide information on health care services, including mental health, from a correctional perspective.

E. Who else may need training? Other agents in the criminal justice system who would benefit from instruction or training in mental health issues are County Attorneys, and Judges in the District Courts and the courts of limited jurisdiction. County Attorney training is provided through a coordinator within

the Department of Justice. Training for the judiciary is conducted through the State Court Administrator's Office in two separate programs. The Commission on Courts of Limited Jurisdiction issues a certificate of completion of a course of education and training that is prescribed by the Commission.. An orientation course is held after each general election and two mandatory annual training sessions are also held for all elected and appointed justices of the peace. The District Court Judges hold conferences and training twice a year.

Other attorneys in the system may benefit from specific training as well. The Supreme Court has adopted rules for continuing legal education, and attorneys are required to complete a minimum of 15 approved credit hours each year.

IV. Department of Public Health and Human Services (DPHHS) Mental Health Advisory Council proposal.

As of January 10, 2000, the DPHHS Mental Health Oversight Council's Subcommittee on Criminal Justice has recommended regional training for Montana law enforcement in order to respond to the need for law enforcement training on identification, treatment, and referral resources for people with mental illness. The short-term subcommittee goals/plans were to recommend that a team be formed by DPHHS. The team would be made up of a consumer, family of consumers, representatives of DPHHS, National Alliance for the Mentally Ill (NAMI), Montana Advocacy Program, Board of Crime Control, and the Department of Corrections to develop a voluntary training program for Montana law enforcement. Longer-term goals include developing a curriculum that would include suicide prevention and identification of potentially suicidal people, screening mechanisms and their use for identifying detainees with mental illness, community commitment laws, and referral resources. The Subcommittee also recommended that the DPHHS develop the described training and request funding through the executive planning proposal (EPP) process.

Status: Dan Anderson is researching models for training that would be 1 or 2 days in the officer's community or a neighboring community and would include information on available treatment resources and how to access them. Training may be developed for general law enforcement and perhaps more specialized training will be developed for designated officers who may become local trainers. There is an EPP being developed that would include funds for contracted services to develop training.

V. Options for the Committee to Consider.

Many of the elements needed for training exist, but statutory requirements and funding resources for training to be developed and conducted are necessary to bring an integrated, comprehensive, practical solution to the problem.

A. Many professions are statutorily required to have continued education, but law enforcement and corrections are not. This may be an area that the Committee wishes to explore further. If a new peace, detention, or corrections officer is given introductory information on mental health issues in basic training, perhaps an advanced training could be required within a certain period of time. This would allow the officer to build on the practical on-the-job experience gained after basic training, and it might be possible to complete the training onsite or closer to home in conjunction with local mental health professionals to start building more integrated community mental health service systems. In a broader perspective, there are other areas in which the law enforcement community has training needs (radar, defensive driving, weapons, cultural awareness) and available resources (federal training funds for domestic violence, community policing, or school resource officers) for advanced training.

B. HJR 35 Subcommittee issues should be identified for recommendations, and there should be an effort to seek policy, statutory, or budget changes necessary to implement the recommendations. The Advisory Council Subcommittee recommendation and the DPHHS' EPP budget request for contracted service funds should be reviewed to develop training and to integrate the proposal. Most of the DPHHS proposal relies on volunteerism, both in the development of the training and in the participation in the actual training process. The Legislature may wish to formalize some of these processes or procedures or to require participation and training, which in turn may require statutory changes or additional funding.

C. Any training in this area should identify all of the vital parts of a team effort to develop training: the law enforcement and corrections community, the mental health community, *and* the legal community. MBCC-POST certification could be required to ensure that there is a standard and an expected content for training for corrections and law enforcement. The Addictive and Mental Disorders Division may need to develop a method and a structure for the mental health community to participate in any development or review of training so they are satisfied with and vested in the training program. Legal rights and responsibilities should be a part of the training, as well, for all parties. The other entities that

are responsible for conducting training for county attorneys--the DOJ, courts of limited jurisdiction, and District Courts could also be encouraged or required to coordinate mental-health related training funds through DPHHS. A mental health training resource in the DPHHS could be required to work with the various entities to integrate mental health issues in training statewide. This would also provide a resource to MLEA to review its 2-hour mental health instruction block.

D. The detention center inspection and standards issue should be reconsidered to provide incentive and structure to reinforce the need for training in mental health issues. If training resources are brought to bear and training requirements imposed, detention center standards and an inspection program could provide the tools to assist the counties in complying with the requirements and receiving local government support to partially protect counties from liability.

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